

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, February 3, 2003, 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, February 3, 2003, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 9:30 a.m.
2. After a moment of silence in memory of the Columbia Astronauts who perished on Saturday, February 1, 2003, Chair Barnes offered an invocation.
3. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Tuesday, January 21, 2003. The motion carried unanimously.
4. Special Guests and Public Comment:
 - a. Special Guests:
Chair Barnes recognized Lewis Woods, NAACP. She also recognized Al Mainess, Mary Katherine Creel, Jim Karas, and Kim Gilliland from the media.
 - b. Public Comment: None.
5. Presentation:
 - a. Commissioner Barger made a motion to declare Sheriff's Deputy W. James "Jim" Hudson's service side arm and badge as surplus pursuant to North Carolina General Statutes 20-187.2 and present same to Deputy Hudson on the occasion of his retirement. The motion carried unanimously.

Chair Barnes said W. James "Jim" Hudson retired January 31, 2003, with a total of 30 plus years in law enforcement, serving Catawba County for 27 years of service to the Sheriff's Office.

Commissioner Hunsucker thanked retired Sheriff's Deputy Hudson for his years of service and presented him with his side arm and badge.

Sheriff Huffman presented retired Sheriff's Deputy Hudson with a plaque and said it had been a pleasure working with Deputy Hudson.

Retired Sheriff's Deputy Hudson said he had a great career with Catawba County.

6. Appointments:

WPCOG - Metropolitan Planning Organization (MPO)

Chair Barnes recommended the appointment of Commissioner Barbara Beatty to the MPO (replacing Marie H. Huffman).

Board of Equalization and Review

Commissioner Lail recommended the appointment of Kay Schmucker, 2075 - 2nd Street Drive, NW, Hickory (Republican representative) to replace John Russell Perkins who did not wish to be reappointed.

Chair Barnes made a motion to approve the aforementioned appointments. The motion carried unanimously.

7. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

- a. Lease of Real Property - Charter Communications. (Copy of lease agreement on file in the Office of Facilities Director.)

The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve a 10 year lease with Charter Communications LLC for a 0.22 acre tract of land located on Radio Station Road.

Charter Communications supplies both cable television and high-speed Internet access to over 9,600 customers in the Newton-Conover area through a connection behind the Government Center. Due to technology changes and growth in their customer base, this connection has become inadequate to meet their future needs. Expanding the existing site is not practical and is not compatible with the County Capital Improvement Plan.

After investigating several alternative sites away from the Government Center, the best site is located beside the facilities maintenance shop on Radio Station Road. Charter has requested to construct a 12 by 28 building on a lot that measures 80 ft. by 120 ft. The lot is located between the maintenance facility and Hildebrand Creek. The building will be fenced and landscaped to fit in with other County facilities. Access to the building will be off an existing drive and will not add additional congestion to the area. The addition of the building is in keeping with the County's long-range plan for the property.

At the December 17, 2001, meeting of the Newton Board of Adjustment, a special use permit was approved to allow the construction of a 12 by 28 square foot building belonging to Charter Communications on Radio Station Road subject to the following conditions:

1. That the facility be landscaped and screened similar to that which is required for cell towers, which is screened, opaque fencing and evergreen trees planted five foot on center with the height being at least six feet at the time of planting.
2. That the facility be located at least 40 feet off of the road right-of-way of Radio Station Road.
3. That the facility be located outside the floodplain and elevated to be at least two-feet above base flood elevation for Hildebran Creek.
4. That any existing and substantial vegetation be salvaged wherever possible.
5. That no new driveway be created off of Radio Station Road.

The lease provides for an annual lease payment of \$1,176 and the County will be reimbursed for the cost of the survey. The lease amount was determined based on the current and anticipated future value of the land, furnished by the Catawba County Tax Department. Charter Communications also agrees to maintain general liability insurance, hold the County harmless from any liability, not to sublease the property, and pay all taxes and assessments on the property.

A notice of private lease with Charter Communications LLC will be published after the Board of Commissioners approves a resolution providing authorization to execute lease with Charter Communications LLC for a 0.22 acre tract of land on Radio Station Road. The lease would then become effective 10 days after the publication.

**Resolution No. 2003-01
Authorization to Execute Lease
with Charter Communications LLC for a
0.22 Acre Tract of Land on Radio Station Road**

WHEREAS, Catawba County is the owner of a 0.22 acre of land along Radio Station Road and has, in that capacity, the ability to lease said land to Charter Communications LLC to construct and maintain a 12 x 28 foot building for its cable business.

WHEREAS, it is the desire of both Catawba County and the Charter Communications to enter into a Lease by which Charter Communications will lease a 0.22 acre tract of land along Radio Station Road for the purpose of constructing and maintaining a 12 x 28 foot building for its cable business, with at term of 10 years, with Charter Communications to pay annual rent of \$1,176.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Catawba County, North Carolina, sitting in open session of this 3rd day of February, 2003 at a regularly scheduled meeting of the governing body of said Board, duly called and posted in accordance with statutes of the State of North Carolina, that the Chairman of the Board and County Manager are given the authority and direction to execute the Lease as presented to the Board and to which the Resolution is attached.

Done the 3rd day of February, 2003.

/s/Katherine W. Barnes, Chair
Catawba County Board of Commissioners

b. Sale of Real Property - City of Hickory.

Catawba County acquired a 0.18 acre tract of land located off of Tate Boulevard in Hickory through foreclosure and has no immediate or future need for the parcel. The parcel of land (3702-08-98-4449) is located off of Tate Boulevard in Hickory and is too small to develop. The 2003 property revaluation placed a tax value of \$11,800 on this parcel.

This parcel was declared surplus by the Board of Commissioners on February 18, 2002, and has since been advertised for sale on the County's web page. When the County acquired this property it came with an apparent encroachment. It appears from the GIS maps and aerial photos that there is a structure from the adjacent property owner that encroaches on this parcel. After a site visit to the property, the Tax Office has reassessed this property's value to \$6,000.

The City of Hickory owns three lots near this area and is interested in this parcel as part of the East Hickory Redevelopment Plan. G. S. 160A-274 permits property transactions between local governments without imposing the formal procedural requirements that condition other dispositions of government owned real property. The statute recognizes that the recipient government will put the property to public use. The City of Hickory has offered \$6,000, from CDBG funds for the property.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve the sale of a 0.18 acre tract of land located off of Tate Boulevard in Hickory, pin number 3702-08-98-4449, to the City of Hickory for \$6,000.

c. Catawba County Permit Center Delinquent Account Policy.

The Utilities and Engineering Department, Building Inspection Division, has experienced a dramatic increase in the number of past due accounts for construction contractors between July and December 2002. The Utilities and Engineering Department would like to establish a delinquent account policy which will aid in the collection of the past due amounts and will also prohibit delinquent accounts from going farther in debt to the County. From July to December 2002 the Finance Department billed contractors \$65,606.12 in past due bills, with \$15,805.43 being past due in December alone. While a contractor cannot obtain inspections on a project while an account is delinquent, there is no policy for a contractor who has a delinquent account to obtain new building permits. The Utilities and Engineering Department is able to collect a portion of the past due amounts through collection letters and telephone calls, but some accounts require further attention. When attempts through letters and telephone calls made by the Utilities and Engineering staff are exhausted, the delinquent account is sent to the Legal Department to begin the debt collection process. The contractor will lose their account privileges at this time and must pay for any permits with cash, bank/cashiers check, money order, or credit/debit card.

The Legal staff begins the collection process by sending the contractor a collection letter. If the delinquent account has not been satisfied by the established time, the Legal staff can pursue the matter in small claims court.

Although personal checks are an acceptable method of payment for new permits issued, we are experiencing an increase in the number of checks being returned for non-sufficient funds. There have been two recent cases in which a contractor paid off a delinquent account with a worthless check. The proposed policy addresses this issue.

The procedures outlined in the policy will give the Permit Center Specialist a guideline to follow when dealing with contractors that have delinquent account balances and assist staff in collecting the delinquent debt.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners adopt a Delinquent Account Policy and Procedures for the Permit Center.

**Catawba County Permit Center
Delinquent Account Policy and Procedures**

- 1) When a contractor is billed and does not pay within 60 days the contractor's account becomes delinquent. The contractor will not be allowed to schedule any inspections nor will any new permits be issued, while the account is delinquent.
- 2) In order to reactivate the delinquent account the company must pay the entire delinquent amount. Acceptable methods of payment are cash; money order, certified or cashiers bank check. Upon payment, the account will be reactivated immediately allowing the contractor to apply for new permits and schedule inspections on existing permits.
- 3) Any money received by Catawba County from a contractor with a delinquent account will first be applied to the past due balance of his/her account, regardless of the implied direction of payment.
- 4) Catawba County will seek criminal charges against anyone who writes a worthless check as payment to their delinquent account. The process of seeking a criminal warrant for their arrest will be carried out by the Catawba County Legal Department.

Questions concerning this policy may be directed to the Catawba County Legal Department 828-465-8483 located at the Government Center in Newton, NC.

Adopted this 3rd day of February, 2003.

Commissioner Lail made a motion to approve the consent agenda. The motion carried unanimously.

End Consent Agenda

8. Departmental Reports:

a. Public Health:

1. Health and Wellness Trust Fund Grant for Smoking Prevention and Cessation Programs.

Public Health Director Barry A. Blick said the Health Department received a Health and Wellness Trust Fund grant on behalf of Lieutenant Governor Beverly Perdue and the North Carolina Health and Wellness Trust Fund Commission. The grant provides funds for implementation of a smoking prevention and cessation program aimed at teenagers in Catawba County. The Catawba County Health Department was one of 27 agencies across the state to receive an award. The grant will provide funding for three (3) calendar years beginning January 1, 2003, and ending December 31, 2005. The total grant for the three years is \$294,000. Efforts will include the establishment of a time limited Health Educator position and the establishment and implementation of a series of smoking prevention and cessation programs offered at multiple, teen-accessible locations. The primary goals to be achieved by this grant award are:

1. Prevent initial tobacco use by youth,
2. Significantly reduce youth exposure to environmental smoke,
3. Provide treatment options for youth who want to quit,
4. Reduce health disparities among minority youth attributable to tobacco use.

In the area of tobacco use prevention, the Health Department has taken the lead in encouraging businesses to become smoke-free to eliminate the danger of second hand smoke. The Health Department also provides smoking prevention initiatives in collaboration with numerous groups in the community. Annually, an interactive tour of the Health Department for all second graders in the three school systems in the county, including private, charter and Christian schools includes tobacco prevention as a component. One of the most poignant parts of the tour is a visit by Fred Haywood, a laryngectomy survivor employed by Frye Regional Medical Center, who talks with the children about the dangers of smoking.

Among the most innovative community outreach efforts is a partnership with the Hickory Crawdads, a minor league baseball team that provides a tobacco-free educational assembly for seventh graders, which focuses on spit tobacco and smoking prevention. Presenters come from the Health Department, Hickory Crawdads and Frye Regional Medical Center. Free tickets are given to the students to attend the Tobacco Free Nights at the Ballpark. Tobacco prevention displays and information are set up along the concourse of the stadium. Pre-game activities include tobacco prevention speakers on the field and announcements throughout the game.

The Health Department also works with community hospitals in prevention programming, including the Great American Smokeout. Finally, through a March of Dimes grant, the Health Department provides cessation programming for pregnant and parenting teens and older women. Actual cessation programming in prenatal clinics began in June 2002; therefore, data regarding cessation rates among participants is currently unavailable. Hopefully, cessation programming for family planning clients will begin within the next year causing a decrease in infant mortality and low birth weight babies.

The program, funded by the Health and Wellness Trust Fund, will target school aged youth between the ages of 10 and 18 in Catawba County. The project includes the enhancement and expansion of programs offered by the Council on Adolescents and the Health Department to all middle school students in Catawba County as well as Catawba Valley High School, the local alternative school. By increasing exposure to information through hands-on, age-appropriate, sequential initiatives, the project will introduce youth not only to the dangers of smoking, but its addictive qualities and ways to resist the pressure to engage in the use of tobacco products. For those students, who have begun to use tobacco substances, the project will establish an on-going series of cessation programs in a multitude of locations that are accessible and teen friendly such as the local regional mall. Through youth development opportunities, student advocates will assist in the dissemination of information and work toward changes in public policy regarding smoke free areas. Although focus of the project will be on Catawba County youth, through the increased accessibility of services and the exposure of information through the media by peer advocates, our outreach will extend into Caldwell, Burke, Alexander, Iredell, and Lincoln Counties.

The Catawba County Health Department and its Totally Teen Health Center will oversee and administer the grant. The existing infrastructure established by the Advisory Board of the Center and its proposed Tobacco Prevention Task Force will enable that entity to bring all collaborating organizations together to work toward a unified effort to reduce teen access to tobacco. Moreover, through one on one instruction during health assessments, the Center's staff will serve as the primary care providers for cessation programs.

The Council on Adolescents currently provides prevention programs in each of the county's three school systems, and for other youth serving agencies. The experience and on-going relationships of the agency with a variety of organizations including: Law enforcement, civic and social groups, and media sources that will insure sequential, educationally sound programming and community awareness.

Other collaborations will include Catawba Valley Medical Center and its Health First Center at Valley Hills Mall where youth will be able to access prevention and cessation sessions. For years, Frye Regional Medical Center's Cancer Center and tobacco prevention resources patient liaison have supported the programs of both the Health Department and the Council on Adolescents.

As the program expands into the second and third years, law enforcement will actively involve youth in compliance checks of vendors. Members of the Council on Adolescents' Teen Council for the Arts and Health will be invited to participate.

The Catawba County Health Department will be the primary recipient agency for these grant funds and a contract will be negotiated with the Council on Adolescents to pass money through for the components of the program to be accomplished by that agency.

The amount to be budgeted for the period January 1, 2003 through June 30, 2003 will be \$43,510. A full time, time limited Health Educator position will be created and paid for, as well as, educational supplies, office supplies, marketing costs and other related items. The balance of the grant allocation will be appropriated through the budget process for following fiscal years.

Supplemental Appropriations:

580306-812100 Regular Wages	\$12,000
580306-821100 FICA	\$900
580306-822100 Retirement	\$600
580306-823100 Health	\$2,500
580306-823300 Dental	\$100
580306-823600 LTD	\$20
580306-825500 STD	\$40
580306-831005 Office Supplies	\$500
580306-831030 Educational Supplies Other Misc. Operating	\$5,000
580306-831090 Other Misc. Operating	\$500
580306-841010 Travel	\$950
580306-841020 Education	\$4,000
580306-841030 Printing	\$2,000
580306-841505 Telephone	\$150
580306-841510 Postage	\$250
580306-841516 Marketing	\$2,000
580306-857900 Other Contract Services	\$12,000
580306-638685 NC Health and Wellness Trust	\$43,510

Commissioner Lail commended the Public Health staff for obtaining the maximum grant and for including community partnerships.

Commissioner Beatty made a motion to accept the aforementioned grant in the amount of \$294,000 and approve a budget amendment in the amount of \$43,510. The motion carried unanimously.

b. Emergency Services:

1. Resolution to Dissolve the Fire Commission Review Board.

Fire Marshal J. David Pruitt requested approval to the dissolve the Fire Commission Review Board. This board was established in 1970 at the request of the Catawba County Firemen's Association to serve as an appeals board for questions and concerns dealing with fire inspections performed by the Fire Marshal's Office. The Fire Commission Review Board no longer serves this, or any other, purpose.

All counties now use the NC Fire Prevention Code (2000 International Fire Code with NC Amendments). This is a mandatory state wide code adopted by the NC Building Code Council and the NC Department Of Insurance. An appeal of a decision of the Catawba County Fire Marshal goes to the NC Building Code Council. Thus the purpose for which the Fire Commission Review Board was created no longer exists. This has also been discussed and approved by the Catawba County Firefighter's Association.

**Resolution No. 2003-02
Dissolving the Fire Commission Review Board**

WHEREAS, the Fire Commission Review Board was established February 2, 1970, at the request of the Catawba County Firemen's Association to serve as an appeals board for questions and concerns dealing with fire inspections performed by the Fire Marshal's Office; and

WHEREAS, all counties now use the NC Fire Prevention Code (2000 International Fire Code with NC Amendments), a mandatory statewide code adopted by the NC Building Code Council and the NC Department of Insurance; and

WHEREAS, appeals go before the NC Building Code Council and the purpose for which the Fire Commission Review Board was created no longer exists.

NOW, THEREFORE, BE IT RESOLVED that the Fire Commission Review Board be dissolved.

This the 3rd day of February, 2003.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

After a brief discussion, Commissioner Barger made a motion to approve a resolution to dissolve the Fire Commission Review Board. The motion carried unanimously.

2. Realignment of Fire District Boundaries for Sherrills Ford - Terrell Fire and Rescue and Denver Fire Department.

Fire Marshal J. David Pruitt requested that the Board realign fire district boundaries for Sherrills Ford-Terrell Fire & Rescue and Denver Fire Department.

As a result of the August 2000 Strategic Plan for Emergency Services, recommendations were made to realign fire district boundaries with the input of individual departments in areas where such realignment would cause improvements to the coordination and deployment of services.

The governing bodies of both Sherrills Ford-Terrell Fire & Rescue and Denver Fire Department agreed on the changes. Boundary changes were made in areas where improvements to efficiency and response could be implemented. In addition, Sherrills Ford-Terrell Fire & Rescue Base #2 was inspected by the NC Department of Insurance and they were informed that this second station would qualify for a Class 9 rating pending the approval of new fire district boundaries by the Commissioners.

Sherrills Ford/Terrell Fire & Rescue Insurance District

BEGINNING at Point 1 on N.C. Highway 16 South, approximately 300 feet north of the intersection of Highway 16 and Mt. Beulah Road (NCSR 1846). Thence in a southerly direction following the middle of N.C. Highway 16 South to Point 2 located in the middle of the intersection of N.C. Highway 16 and Mt. Beulah Road (NCSR 1846).

Thence from Point 2 following the middle of N.C. Highway 16 South to Point 3 at the intersection of N.C. Highway 16 with N.C. Highway 150 East.

Thence from Point 3, following the centerline of N.C. Highway 150 East approximately 750 feet to Point 4 in the center of N.C. Highway 150 and Bud Road (non-state road), including Parcel 3686-11-65-7246.

Thence from Point 4, in an easterly direction following the center of Bud Road (non-state road), to its end, including Parcels 3686-11-75-3259 and 3686-12-75-7380; thence in an easterly direction, following the southern property lines of Parcels 3686-12-75-7508, 3686-12-75-9499, 3686-12-85-0571, 3686-12-85-4248, 3686-12-85-9400, 3696-09-05-3583, 3696-01-25-7238; 3696-03-23-7631, and 3696-03-23-9202 to Point 5 in the center of Grassy Creek Road (NCSR 1853).

Thence from Point 5, following the southwestern property line of Parcel 3696-03-32-5533 to a point at its corner to Point 6.

Thence from Point 6, north following the same parcel and the eastern property line of Parcel 3696-03-42-1477 to Point 7 on Gates Drive (non-state road) approximately 1,200 feet from Grassy Creek Road (NCSR 1853).

Thence from Point 7 in a northerly direction following the eastern property lines of Parcels 3696-03-42-0879, 3696-03-33-8364, 3696-03-43-3617. and 3696-03-44-6017 along the end of Eli Drive (non-state road); thence in a northerly direction, then westerly direction along the property line of Parcel 3696-03-44-3153 to Point 8 located at the end of Helens Way (non-state road), excluding all other properties on Helens Way and Burnhurst Lane (non-state road).

Thence from Point 8 in a northerly direction following the eastern property line of Parcels 3696-03-44-4495 and 3696-03-44-5823; thence in a southeasterly direction following the southern property lines of Parcels 3696-01-45-8330, 3696-02-55-0074, 3696-02-55-3299, and 3696-02-55-6139. Thence continuing in a southerly direction following the western and then southern property lines of Parcel 3696-04-54-7793; thence the southern property line of Parcels 3696-04-54-7182 and 3696-04-54-8066 to Point 9 where Mundy Creek enters into Lake Norman.

Thence from Point 9 in a northeasterly direction following the centerline of Lake Norman to Point 10 in Lake Norman at the bridge on Slanting Bridge Road (NCSR 1844).

Thence from Point 10 in a southeasterly direction, following the center of Lake Norman to Point 11 in Lake Norman, at the junction where Catawba County, Iredell County and Lincoln County lines join each other.

Thence from Point 11 in a northerly direction following the Catawba County and Iredell County lines in the center of Lake Norman to Point 12 at the Catawba Fire District line.

Thence from Point 12 in a westerly direction approximately 500 feet north of Long Island Road (NCSR 1833) to Point 13 in the center of Kale Road (NCSR 1832)

Thence from Point 13, continuing in a westerly direction 500 feet north of Long Island Road (NCSR 1833) to Point 14, approximately 500 feet north of Long Island Road (NCSR 1833) at its intersection with Brown Chapel Road (NCSR 1819) and Washington Lane (NCSR 1907), excluding all property on Washington Lane.

Thence from Point 14 in a southerly direction to the intersection of Long Island Road (NCSR 1833) and Browns Chapel Road (NCSR 1819), and in an easterly direction following the northern property line of Parcel 4700-01-15-4496; thence in a southerly direction following the western and then southern property line of Parcel 4700-01-25-1198 and following the southern line of Parcel 4700-01-25-(7446) to its corner. Thence following the unnamed creek in a southeasterly direction across Parcels 4700-01-35-5232, 4700-03-43-5913 and 4700-03-42-9910 to Point 15, located approximately 500 feet west of Hopewell Church Road (NCSR 1834) at the end of Marys Drive (non-state road).

Thence from Point 15 continuing in a southeasterly direction, following the unnamed creek across Parcel 4700-04-52-2154 to Parcel 4700-03-30-8519, at a point located approximately 500 feet west of Hopewell Church Road (NCSR 1834). Thence continuing in a southwesterly direction 500 feet north of Hopewell Church Road (NCSR 1834) to Point 16 on Sherrills Ford Road (NCSR 1848).

Thence from Point 16 in a southwesterly direction 500 feet north of Hopewell Church Road (NCSR 1834) to Point 17 located on Carlie Drive (non-state road).

Thence from Point 17, west on Carlie Drive (non-state road) to the northwestern property line of Parcels 3698-02-59-3722 and 3698-01-46-7780; thence in a westerly then southerly direction following the western property line of Parcels 3698-04-743141, 3698-03-20-3970 and 3698-03-00-7841; thence in a southwesterly direction following the western property lines of Parcels 3698-03-00-0763, 3688-04-90-9685, 3688-04-90-9536, 3688-04-90-8469, and 3688-04-90-8401; thence in a southeasterly direction following the western property lines of Parcels 3688-04-90-7351, 3688-04-90-7281, 3688-04-90-8113, 3688-04-90-8054, 3687-02-99-8995, 3687-02-99-9836, and 3687-02-99-9731 to Point 18 located in the middle of Little Mountain Road (NCSR 1815) approximately 500 feet east of Mt. Beulah Road (NCSR 1846).

Thence from Point 18 in a westerly direction following the middle of Little Mountain Road (NCSR 1815) to Point 19 located approximately 500 feet west of Mt. Beulah Road (NCSR 1846).

Thence from Point 19 in a southwesterly direction following the western property lines of Parcels 3687-02-89-8642, 3687-02-89-9437, 3687-02-99-0249, 3687-02-99-0109, 3687-02-99-0032, 3687-02-88-9889, 3687-02-88-9759, 3687-02-88-9638, and 3687-02-88-9400. Thence in a westerly direction following the northern property line of Parcel 3687-02-55-4569 to Point 20 on Little Parkway (non-state road), approximately 2,270 feet west of Mt. Beulah Road (NCSR 1846).

Thence from Point 20, crossing Little Parkway (non-state road) and continuing in a southerly direction following the property lines of Parcels 3687-02-55-4569, 3687-02-87-9621, 3287-02-87-7470, 3687-02-87-6147, 3687-02-86-4932, 3687-02-86-2691, 3687-02-86-0321, 3687-02-76-8038, 3687-02-75-5960, 3687-02-75-2791, 3687-02-75-0540, 3687-02-65-4640, 3687-04-64-7914, 3687-04-64-5760, 3687-04-64-3479, 3887-04-54-9067, 3887-04-53-7864, 3687-04-53-5640, 3687-04-53-3336, 3687-03-43-7446 and in a westerly, then southerly direction following the property line of Parcel 3687-03-43-6081. Thence in a southwesterly direction on Mt. Beulah Road (NCSR 1846) following the western property line of Parcels 3687-03-42-8124, 3687-03-42-7023, 3687-03-41-6972, 3687-03-41-5777, 3687-03-41-4568, 3687-03-41-3417, 3687-03-41-2318 and 3687-03-41-1218 to Point 1, the Point of Beginning.

Parcels that exceed 5 road miles from either station are designated on the attached map.

Point 1 joins the Bandys Fire District
Points 2 through 11 join Denver Fire District.
Points 11 to 12 join the Iredell County Line.
Points 12 through 14 join the Catawba Fire District.
Points 14 through 20 and back to 1 (the Beginning) join Bandys Fire District.

Note: This is a description pursuant to NC General Statute 153-A233 for insurance purposes.

Note: The Fire Insurance and Response lines are the same as approved by the Catawba County Board of Commissioners. Approval Date: Book____ Page____.

**Denver Rural Fire District
Catawba County Jurisdiction**

Beginning at Point 1 located in the middle of N.C. Highway 16 South at its intersection with Mt. Beulah Road (NCSR 1846), being the same point where Denver Rural Fire District joins the Sherrills Ford Fire District. Thence following the middle of N.C. Highway 16 South to Point 2, located at the intersection of N.C. Highway 16 and N.C. Highway 150.

Thence from Point 2 in a northeasterly direction following the centerline of N.C. Highway 150 approximately 700 feet to Point 3, located in the center of N.C. Highway 150 at the intersection with Bud Road (non-state road), excluding all parcels north of N. C. Highway 150.

Thence from Point 3 in a easterly direction following the center of Bud Road to the end, thence following the northern property line of Parcels 3616-16-74-8609, 3686-12-75-6190, 3686-16-94-4892, 3696-03-04-7869, 3696-03-13-6404 to Point 4, located in the center of Grassy Creek Road (NCSR 1853) at the Lincoln County line.

Thence from Point 4 in an easterly direction following the southern property line of Parcel 3696-03-32-5533 along the Lincoln County line to Point 5, located at the western property line of Parcel 3696-03-42-5013.

Thence from Point 5 in a northerly direction following the western property lines of Parcels 3696-03-42-5186, 3696-03-42-5259, and 3696-03-42-4316 to Point 6, located on Gates Drive (non-public road) approximately 1,400 feet from Grassy Creek Road (NCSR 1853).

Thence from Point 6 in a northerly direction following the western property lines of Parcels

3696-03-42-4555, 3696-03-42-4676, 3696-03-42-4778, 3696-03-42-4980, 3696-03-43-4082, 3696-03-43-4186, 3696-03-43-6262, 3696-03-43-6434, 3696-03-43-6639, 3696-03-43-8738, and 3696-03-44-7066 to Point 7, located at the end of Eli Drive (non-public road).

Thence from Point 7 in a northerly, then westerly direction along the eastern and northern property line of Parcel 3696-03-44-3153, adjoining Helens Way (non-public road) to Point 8, located at the end of Helens Way, including all property on Burnhurst Lane (non-public road), Alta Court (non-public road), Chucks Lane (non-public road) and Helens Way except Parcel 3696-03-44-3153.

Thence from Point 8 in a northerly direction following the western property line of Parcels 3696-03-44-6444, and 3696-03-44-8508, 3696-03-44-8794 and continuing with the northern boundary line of same parcel; thence north, then northeast along the property line of Parcel 3696-04-54-2673; thence in an easterly following the southern property line of Parcel 3696-04-54-7793 and the northern property line of Parcel 3696-04-54-5040; thence following the southern property line of Parcels 3696-04-54-7182 and 3696-04-54-8066 to Point 9 where Mundy Creek enters into Lake Norman, excluding all parcels accessed from Emma Love Drive (NCSR 2737).

Thence from Point 9 in an easterly direction following the center line of Lake Norman and passing the Southern Railway tracts to Point 10, located in the middle of the bridge on Slanting Bridge Road (NCSR 1844).

Thence from Point 10, in an easterly direction following the center line of Lake Norman to Point 11 where the Catawba County, Iredell County and Lincoln County lines join.

Following the Catawba County - Lincoln County line the following directions:

Thence from Point 11 in a westerly direction to Point 12, located on Slanting Bridge Road (NCSR 1844).

Thence from Point 12 in a westerly direction to Point 13, located at the Southern Railway tracks.

Thence from Point 13 in a westerly direction to Point 14, located on Burriss Road (NCSR 1746).

Thence from Point 14 in a westerly direction to Point 15, located on Grassy Creek Road (NCSR 1853).

Thence from Point 15 in a westerly direction to Point 16, located on N.C. Highway 16.

Thence from Point 16 in a westerly direction to Point 17, located on N.C. Highway 150.

Thence from Point 17 in a westerly direction to Point 18, located on Lebanon Road (non-public road).

Thence from Point 18 in a westerly direction to Point 19, located at the intersection of Bandys Fire District and the Catawba County and Lincoln County lines.

Thence from Point 19 in a northerly direction to Point 20, located on Lebanon Road (non-public road) at it's intersection with Mountain View Church Road (NCSR 1854).

Thence from Point 20 in a northerly direction to Point 21, located on East Maiden Road (NCSR 1855) at the Bandys Fire District line, approximately 1,700 feet west of Mountain View Church Road (NCSR 1854).

Thence from Point 21 in a northeasterly direction to Point 1, located on N.C. Highway 16, the point of beginning.

Points 1 through 11 join the Sherrills Ford Fire/Rescue District
Points 12 through 19 are on the Catawba and Lincoln County lines.

Points 20 back to Point 1 join the Bandys Fire District.

This description does not exceed five (5) miles from Denver Fire Department.

Commissioner Beatty made a motion to approve the aforementioned realignment of the Fire District Boundaries for Sherrills Ford - Terrell Fire and Rescue and Denver Fire Department. The motion carried unanimously.

c. County Manager's Office:

1. Goals for Fiscal Year 2003-2004.

Deputy County Manager Steven D. Wyatt briefly described the goal setting process. The Board of Commissioners annually adopts a set of goals to guide staff in the preparation of the upcoming fiscal year budget. The goals define the priorities of the Board and direct the County government organization in the budget process. On January 9, 2003, the Board of Commissioners convened in open session at the County's Newton Main Library for the purpose of developing its 2003-2004 goals. Seven priority issues were identified for consideration and action. He said the Policy and Public Works Subcommittee recommended that the Board adopt the following 2003-2004 Goals:

2003-2004 Goals

1. Award a Solid Waste franchise agreement that provides quality service at a reasonable cost to County citizens and insures the financial viability of the County's Solid Waste Fund.
2. Continue to work for the higher education of Catawba County citizens and citizens from surrounding counties by supporting the Higher Education Center.
3. Continue to support economic development through Priority One, FORESIGHT and Future-Foreword, with the Catawba County Economic Development Corporation as the lead agency.
4. Conduct a comprehensive review of the County's zoning and subdivision ordinances and adopt revised regulations, compatible with the small area planning process, to guide growth.

After a brief discussion, Commissioner Barger made a motion to approve the aforementioned goals. The motion carried unanimously.

9. Attorneys' Report. None.

10. Manager's Report.

- a. County Manager J. Thomas Lundy said Mr. Lewis Woods, NAACP, has requested that the board continue discussions of the election of commissioners by districts at the April 7, 2003, 9:30 a.m. regularly scheduled Board meeting instead of the March 17, 2003 Board meeting.
- b. Mr. Lundy briefly updated the Board on the venture with Tirana, the capital of Albania through USAID and ICMA Resource Cities. There are five areas where Catawba County will be lending technical assistance to institutionalize better practices: 1) Establishment of a privilege license system; 2) methodology to establish fees; 3) assistance with a process to accept enterprises from the Albanian government; 4) solid waste collection; and 5) building codes. Mr. Lundy said that he and Utilities and Engineering Director Barry Edwards and Finance Director Rodney Miller would be making the third trip to Tirana the week of February 16, 2003. All expenses are paid by USAID.

11. Other items of business:

- a. County Manager J. Thomas Lundy requested a Closed Session for the purpose of his annual performance evaluation pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions

of initial employment of an individual public officer or employee or prospective public officer or employee. Mr. Lundy said he did not expect any action after closed session. He said the Board would continue its meeting after the Closed Session at the Catawba County Government Center, Second Floor Meeting Room for a work session on solid waste issues.

At 10:20 a.m. Commissioner Barger made a motion to recess into Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion carried unanimously.

At 11:29 a.m. Commissioner Beatty made a motion to return to open session and recess the meeting to be continued at the Catawba County Government Center, Second Floor Meeting Room. The motion carried unanimously.

- b. Continuation of February 3, 2003 meeting for a Work Session on Solid Waste issues at the Catawba County Government Center, Second Floor Meeting Room.

At 11:50 a.m. Chair Barnes called the meeting back to order. She welcomed representatives from GDS and invited everyone to enjoy lunch while staff gave a presentation on solid waste.

Utilities and Engineering Director Barry B. Edwards presented the following updated PowerPoint presentation formerly presented by Deputy County Manager Steve D. Wyatt at the May 9, 2002, special Board meeting. He welcomed GDS representatives Drew Isenhour, Bill Schrum, Don Phelps, and Jerry Hodge.

Solid Waste Franchise

North Carolina General Statutes states...

§153A-136 Regulation of solid wastes.

A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid waste. Such an ordinance may:

(3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any person from commercially collecting or disposing of solid wastes in that area.

Mr. Edwards gave a review of Counties that franchise.

The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by GS §153A-122, referenced with §153A-136.

Catawba County's first Solid Waste franchise was enacted in 1969.

Mr. Edwards reviewed the solid waste comparison of Fees for 2002 for surrounding counties. He reviewed Municipal Solid Waste Stream by Hauler and Type. Garbage Disposal Service annual disposal - total tonnage of 109,121 at charges of \$3,044,204.49. He reviewed Catawba County cities and towns annual disposal - total tonnage of 39,876.53 and charges of \$1,163,647.17. Garbage Disposal Service disposal from convenience centers - 1,946 loads - 8,200.64 tons (8201 tons x 30 equals \$246,030 in lost revenues).

MSW Waste Stream 2002 - 68% GDS Waste Stream; 26% Municipal Waste Stream and 6% Convenience Center Waste Stream.

Waste Disposal by Sector. Chart A: Industrial Tons - 39%; Commercial Tons - 21%; Rural Residential Tons - 7%; Municipal Tons - 28%; and Convenience Centers - 5%. Chart B: Residential - 26.40%; Non-Residential - 60.20%; and Construction & Demolition - 13.40%.

§505.02 County Ordinance. For the purpose of providing for proper collection, transportation, and disposal of solid waste within the county, the board may create specific geographic areas where exclusive collection permits may be granted.

§505.03 Licenses and Permits:

Pursuant to GS 153A-421 through 153A-450, the board may grant to those licensed under this chapter the exclusive right to collect, transport, and dispose of solid waste in County designated facility for compensation within the entire county.

All applicants for a permit shall file written application with the County Manager on or before one year prior to the expiration of the existing franchise contract (effective deadline June 30, 2003).

The board prefers a single franchise to provide all of the services, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service.

The County Manager shall bring before the board applications for permits and a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility on or before six months prior to the expiration of an existing franchise agreement (Dec. 30, 2003) and will grant the applicant adjudged by the board to be most suitable an exclusive permit for the collection of solid waste in each of the said areas. The term of the permit shall not exceed thirty years from the effective date and shall be renewable.

It shall be unlawful for any person, firm, or corporation to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any one of the areas in the county above set out, except under the authority in full force and effect given by a permit.

§505.04 Fees:

All residential, commercial, industrial, and special haul service rates shall be approved by the board.

Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to an appropriate committee of the board and be agreed to and approved by the board.

The licensee shall serve all customers on state maintained roads, within his or her territory who apply for such service.

§505.05 Collection and Transportation of Solid Waste. The licensee shall be responsible for the satisfactory collection and transportation of all solid waste in his or her area to a county-operated disposal site or facility.

Services Currently Provided

1. Curbside collection of residential waste (under contract)
2. Curbside collection of residential recyclables and operation of a Materials Recovery Facility (under contract)
3. Operation of five convenience centers (under contract)
4. Commercial and industrial waste collection (under contract)
5. Construction and demolition waste collection (under contract)
6. Household Hazardous Waste Annual Collection Event (Annual donation of equipment and advertising)
7. County Historical Events (Annual donation of equipment)
8. Disaster Assistance (not under contract)

Proposed Additions to Services Provider:

100% of Convenience Center Operations

Support annual HHW collection event(s) up to \$25,000 annually

Electronic waste collection offered bi-annually

Disaster debris collection and management assistance with declared FEMA emergency events

Curbside collection of white goods

Operation of paint collection, storage and disposal facility at Blackburn

Government Document Shredding

Guiding Principles for Public/Private Partnerships: Cost, Service and Commitment.

Catawba County citizens and businesses should be assured that a range of solid waste disposal services are provided at a reasonable cost.

The franchisee should be an active contributor to the community and participant in improving the quality of life - an exemplary corporate citizen.

The franchisee should be committed to the long term success of the County's solid waste management plan and program.

Existing Franchise Benefits:

- Provides curbside residential waste collection for all citizens in our unincorporated areas at the same monthly rate.
- Provides Commercial, Industrial, Construction, and Demolition waste collection Countywide.
- Provides curbside residential recyclables collection for all citizens in our unincorporated areas at no charge. The partnership offered the first Countywide Curbside Recycling Program in North Carolina.
- Development of a regional Materials Recovery Facility (MRF), which did not and does not require any public financing.
- Creation of tiered payment system to promote recycling.
- Creation of office and white paper recycling for County businesses.
- Provides Manpower for five County Solidwaste Convenience Centers.
- Existing contract allows for only Consumer Price Index increases over the term of the 10-year agreement and Franchisee has held their rates constant in three of the past five years.
- Existing Franchisee provides annual donation of time, equipment and advertising for County's Household Hazardous Waste Collection event and County Historical and other significant events.
- Current Franchisee is an active contributor to the community and participant in improving quality of life in Catawba County
- Current Franchisee has shown and supported the County's solid waste management plan and program
- County receives very few complaints concerning franchise or franchisee.

Residential Accounts:	12,400
Commercial / Industrial Accounts:	<u>2,529</u>
Total Accounts:	14,929

Residential Pick-ups per Year:	644,800
Commercial / Industrial Pick-ups per Year:	<u>263,016</u>
Total Pick-ups:	907,816

At the Spring Retreat in May 2002, the previous Board directed staff to negotiate new contract provisions with Republic Waste/GDS.

Commissioner Beatty said recycling is labor intensive by the workers who collect the garbage and GDS needs to inform citizens of better ways to recycle.

Commissioner Beatty requested that Mr. Edwards prepare several paragraphs on the difference between Catawba County's garbage disposal and Lincoln County's garbage disposal.

Commissioner Beatty said most of the complaints she had received were from the Sherrills Ford convenience site. She said Sherrills Ford residents need information on solid waste. She said there needs to be meetings in Sherrills Ford about roll-offs.

GDS representative Drew Isenhour said they had made a commitment to Catawba County and many of their employees are residents of Catawba County.

County Manager J. Thomas Lundy said the previous board directed staff to negotiate a new contract with GDS. He said the Board is recommending options on white goods recycling and a breakout of costs. Mr. Lundy asked direction from the Board if it wanted staff to continue negotiations.

Chair Barnes said there were other considerations other than fees charged.

County Attorney Robert Oren Eades said the Board of Commissioners will have to make a decision about competitors.

After a lengthy discussion, Commissioner Hunsucker made a motion to direct staff to continue negotiations with GDS. The motion carried unanimously.

Mr. Edwards said staff has drafted a questionnaire to be sent to a select group of citizens, commercial and industrial customers, and homebuilders. The questionnaire will be brought before a future Subcommittee for approval.

12. Adjournment.

At 1:20 p.m. there being no further business to come before the Board, Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Thelda B. Rhoney
County Clerk